

REMARKS

Claims 1, 2, 4-7, 18-24, 29, 32-33, 35, and 37-38 are pending. Claims 1, 32, and 39-42 have been amended. Claim 5 has been cancelled. No new matter has been added.

Examiner Interview

An Examiner Interview was conducted via telephone on May 17, 2007. The prior art and rejected claims were discussed. Applicants would like to thank the Examiner for his time and suggestions regarding the claims.

Claim Amendments

Claims 1 and 32 have been amended to address the objections set forth by the Examiner. Claims 1 and 32 have also been amended to incorporate the subject matter of claim 5 as well as additional structure suggested by the Examiner in the May 17 Examiner Interview. Support for the amendment can be found in the specification and figures. Claim 5 has been cancelled. Claim 39-42 have been rewritten as method steps.

Claim Objections

Claim 1 and Claim 32 have been amended as recommended by the Examiner. No new matter has been added by the present amendments.

Claim Rejections - 35 U.S.C. §112

Claims 39-42 are rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Additionally, claims 39-42 are rejected as being incomplete for omitting essential

steps, such omission amounting to a gap between the steps. Finally, the Examiner asserts claims 39-42 only claim structural limitations and lack any method steps to further limit the independent claim 32. As such, the Examiner has withdrawn Claims 39-42. Applicants respectfully traverse the withdrawal of claims.

Applicants have amended claims 39-42 to put them into method step format. As such, Applicants no believe they overcome the rejection set forth by the Examiner. Accordingly, Applicants request the Examiner withdraw the rejection under 35 U.S.C. 112 and pass the amended claims to allowance.

Claim Rejections – 35 U.S.C. §102

Claims 1, 2, 4-7, 18-20, 23, 29, 32, 33, 35, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Clark et al. (U.S. Patent No. 5,913,520).

Claims 1 and 32 are independent. Claims 2, 4-7, 18-20, 23, 29, 33, 35, 37, and 38 depend directly or indirectly from claims 1 and 32. Claims 1 and 32 have been amended to incorporate the subject matter of claim 5 which provides structure for the shuttle member. Claims 1 and 32 also now recite that the second end portion opposite the first end portion of the carrier element of the shuttle member extends beyond the rotary and stationary seal rings. This can be seen in each of the figures of the present application wherein the second end (axially disposed inner portion 2b) extends beyond the end (axially inwardly extending wall 44) of the seal member. In the May 17 Examiner interview, the Examiner indicated this structural limitation is not found in the Clark reference. Accordingly applicants now believe that amended claims 1 and 32 are in condition for allowance.

Claims 2, 4, 6, 7, 18-20, 23, and 29 depend from amended claim 1 and claims 33, 35, 37, 38 depend from amended claim 32. As such claims 2, 6, 7, 18-20, 23, 29 and 33, 35, 37, 38 incorporate each and every element of claims 1 and 32 respectively. Thus, since Clark fails to disclose each and every element of claims 1 and 32, Clark also fails to disclose each and every element of claims 2, 4, 6, 7, 18-20, 23, 29, 33, 35, 37, and 38.

In light of the foregoing remarks, Applicants respectfully submit that claims 1, 2, 4, 6, 7, 18-20, 23, 29, 32, 33, 35, 37 and 38 are not disclosed by Clark. Applicants therefore request the Examiner withdraw the rejections of claims 1, 2, 4, 6, 7, 18-20, 23, 29, 32, 33, 35, 37 and 38 under 35 U.S.C. §102(b), and pass the claims to allowance.

Claim Rejections – 35 U.S.C. §103

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. in view of Azibert et al. (U.S. Patent No. 5,213,340). Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. in view of Azibert et al. (U.S. Patent No. 5,333,882). Applicants respectfully traverse the rejections.

Claims 21 and 22 depend from amended claim 1 and as such incorporate each and every element of amended claim 1. As discussed above, each and every element of amended claim 1 is not found in Clark. Specifically, the limitation of the second end portion opposite the first end portion of the carrier element of the shuttle member extending beyond the rotary and stationary seal rings is not taught or suggested by Clark. The addition of Azibert fails to cure this deficiency.

In light of the foregoing remarks, Applicants respectfully submit that claims 21 and 22 are not taught or suggested by Clark or Azibert, alone or in combination. Applicants therefore request the Examiner withdraw the rejections of claims 21 and 22 under 35 U.S.C. §103 and pass the claims to allowance.

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CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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